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| 10/784,270 | 02/24/2004 | Yong Chcol Park | 0465-1155P | 9998 |

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| EXAMINER | |
| BIBBINS, LATANYA | |

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| ART UNIT | PAPER NUMBER |
| 2627 | |

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| NOTIFICATION DATE | DELIVERY MODE |
| 06/18/2007 | ELECTRONIC |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/784,270

Applicant(s)

PARK ET AL.

Examiner

LaTanya Bibbins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8 and 11 is/are rejected.
- 7) ☒ Claim(s) 9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. In the remarks filed on February 28, 2007, Applicant amended claims 1-3, 8-11, cancelled claims 4-7, 12, and 13, and submitted arguments for allowability of pending claims 1-3 and 8-11.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3 and 8-11 have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US PGPub Number 2003/0137910 A1) in view of Ko et al. (US PGPub Number 2004/0105363 A1).**

Regarding claim 1, Ueda discloses a method of defect management for a write-once optical recording medium having a plurality of temporary defect management areas (see Figure 6 and paragraph [0099]), the method comprising a step of recording disc definition structure information in one of the plurality of temporary defect management areas (see Figure 6 and paragraph [0099] where "defect management

information contains disc definition structure data"). Ueda fails to disclose, but Ko does disclose wherein the plurality of temporary defect management areas include a first temporary defect management area for recording the disc definition structure information during a recording session and a second temporary defect management area for recording the disc definition structure information upon termination of the recording session (see paragraphs [0058], [0064]-[0066], [0099], and [0100] and Figures 3 and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate first and second temporary defect management areas for recording disc definition structure information during and upon termination of recording as indicated by Ko with the method of Ueda. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to increase the reliability of data detection (Ko paragraph [0102]).

Regarding claim 2, Ko discloses wherein the disc definition structure information includes locator information pointing to an address of latest disc definition structure information recorded in one of the plurality of temporary defect management areas (see paragraph [0066]).

Regarding claim 3, wherein the disc definition structure information includes locator information pointing to an address of latest disc definition structure information recorded in each of the plurality of temporary defect management areas (see paragraph [0066]).

Regarding claim 11, Ueda discloses a write-once optical recording medium having a plurality of temporary defect management areas (see Figure 6 and paragraph [0099]), wherein temporary management information is continuously updated and recorded in one of the temporary defect management areas (see Figure 9 and paragraph [0115] where the DL start sector layer number, located in the DDS in the DMA, is continuously updated).

Ueda fails to disclose, but Ko does disclose wherein the plurality of temporary defect management areas include a first temporary defect management area for recording the temporary management information during a recording session and a second temporary defect management area for recording the temporary management information upon termination of the recording session (see paragraphs [0058], [0064]-[0066], [0099], and [0100] and Figures 3 and 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate first and second temporary defect management areas for recording temporary management information during and upon termination of recording as indicated by Ko with the method of Ueda. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to increase the reliability of data detection (Ko paragraph [0102]).

5. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

6. **Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US PGPub Number 2003/0137910 A1) and Ko et al. (US PGPub Number 2004/0105363 A1 herein referred to as Ko '363), as applied to claim 5 above, and further in view of Ko et al. (USPGPub 2001/0033537 A1 herein referred to as Ko '537).**

Regarding claim 8, Ko '537 discloses wherein the disc definition structure information further includes a counter having a value that is updated for each recording of the disc definition structure (see paragraphs [0027]–[0032]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the counter of Ko '537 into the method of Ueda and Ko '363. One of ordinary skill in the art at the time the invention was made would have been motivated to combine the teachings in order to verify that defect information on a disc is correctly recorded and updated (Ko '537 paragraph [0010]).

7. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Allowable Subject Matter

8. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 9 and 10, none of the references of record, alone or in combination, suggest or fairly teach a method of defect management for a write once optical recording medium including all of the limitations of claim 8 further comprising a step of performing defect management, wherein, **if the highest counter value recorded in the second temporary defect management area is less than the highest counter value recorded in the first temporary defect management area, the defect management is performed immediately following or immediately preceding the recording of the disc definition structure information of a recording session in the second temporary defect management area** in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

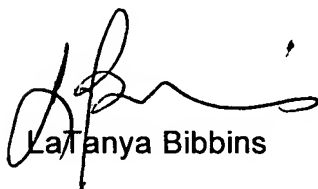
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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaTanya Bibbins whose telephone number is (571) 270-1125. The examiner can normally be reached on Monday through Friday 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571 272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LaTanya Bibbins



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER